

MONTANA LEGISLATIVE HISTORY

Chapter 605 1979

Bill H \_\_\_\_\_ S 106 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Mar 05 ✓ C

Mar 16 ✓ C

\_\_\_\_\_ C

\_\_\_\_\_ C

Date Out Mar 16 ✓ C

S. Committee on Local Government

Hearing Date(s) Jan 23 ✓ C

Jan 25 ✓ C

Feb 03 ✓ C

\_\_\_\_\_ C

Feb 03 ✓ C

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Did this bill originate in an interim committee? Yes No

Committee \_\_\_\_\_

Report \_\_\_\_\_

1 Senate BILL NO. 106  
2 INTRODUCED BY Bob Brown  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SALARY  
5 INCREASES FOR PROBATION OFFICERS AND A MINIMUM SALARY FOR  
6 DEPUTY PROBATION OFFICERS; AMENDING SECTIONS 41-5-704 AND  
7 41-5-705, MCA."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-704, MCA, is amended to read:

"41-5-704. Salary and expenses. (1) A chief probation officer shall receive for his services a sum specified by the court; however, the judge may employ him on a yearly salary ~~not to be less than \$12,500 or more than \$16,000 depending on the formal training and experience of each respective officer of \$22,500.~~ The judge shall also determine future increases in salary based on the Consumer Price Index published by the United States Department of Labor each year and the formal training and experience of each officer. The salary of such officer shall be apportioned among and paid by each of the counties in which such officer is appointed to act, in proportion to the assessed valuation of such counties for the same year, except where such officer is appointed for one county whereby such county shall pay the entire salary.

1           (2) For all necessary travel incident to his official  
2 duties in connection with the investigation, supervision,  
3 and transportation of youth, the probation officer shall, in  
4 addition to his office salary, be reimbursed for actual  
5 expenses incurred."

6 Section 2. Section 41-5-705, MCA, is amended to read:

7 "41-5-705. Deputy probation officers -- salary. The  
8 judge having jurisdiction of juvenile matters may also  
9 appoint such additional persons, giving preference to  
10 persons having the qualifications suggested for appointment  
11 as the chief probation officer, to serve as deputy probation  
12 officers as the judge deems necessary, their salaries to be  
13 fixed by the judge. Such salaries shall not exceed 90% or  
14 be less than 60% of the salary of the chief probation  
15 officer."

-End-

-2-

SB 106  
INTRODUCED BILL

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

January 23, 1979

The meeting of the Local Government Committee was called to order by Chairman, Senator George McCallum on Tuesday, January 23, 1979 at 1:35 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Peterson, who was excused.

Several people were in attendance at the meeting. (See attachment.)

CONSIDERATION OF SENATE BILL 106: Senator Bob Brown of Senate District 10, sponsor of the Senate Bill 106, gave a brief resume of the bill. This bill is an act providing salary increases for probation officers and a minimum salary for deputy probation officers. The probation officers have not had any wage increases since 1974. Senator Brown then introduced Glen Hufstetler of Kalispell, representing the Probation Officers and Youth Courts. Mr. Hufstetler stated that there are 63 probation officers in the state of Montana. When these officers have finished their training, 40% of them will hold a master's degree. These officers have participated in several programs to help the victims of crimes. These probation officers have not even had a cost of living raise. Mr. Hufstetler spoke in favor of the bill.

Mr. Jerry Johnson of Missoula, representing the Montana Youth Court Probation Officers, spoke in favor of SB 106. He offered a written statement. Mr. Johnson asked for fair wages to the members of his organization. Mr. Johnson then introduced several probation officers from around the state: John Foster, District 10; C. F. Dooley, 9th Judicial District; W. E. Lumpkin, 15th Judicial District; Gary Loskesky, 3rd probation District; and Dick Meeker, 1st Judicial District.

Senator McCallum then asked if there were any opponents to Senate Bill 106.

Mr. Dean Zinnecker representing the Montana Association of Counties spoke in opposition to the bill. Mr. Zinnecker stated that he did not agree with the Legislature setting the salaries and having the budget authority. He stated that MAC felt that it should be done on the local level.

Senator Brown made the closing remarks. He stated that in the judicial districts, there is more than one county involved, so it is hard to set the salaries, therefore, he felt it was better to have the Legislature set the salaries. He also stated that with the cost of living increase that a raise would be in order.

Chairman McCallum then opened the meeting to a question and answer period from the committee. Discussion was held, however, no action was taken at that time.

CONSIDERATION OF SENATE BILL 135: Senator Lloyd Lockrem, co-sponsor of the bill, of Senate District 32 gave a brief resume of the bill. This bill is an act to provide improved funding for construction and reconstruction of rural and urban streets and roads; deleting authorization for certain funding of maintenance and repair of such roads. Senator Lockrem highlighted the changes in the codes that would come about if the bill would pass. Senator Lockrem used the city of Billings as an example and what would be possible if the Coal Severance Tax was available for roads and streets. He handed out a statement regarding the allocation of coal tax revenues. (See attachment.)

Chairman McCallum then called on the proponets to Senate Bill 135.

Jane Lloyd of Billings, representing the Montana League of Cities and Towns stated her group favors SB 135 because it provides for some solution to a problem that nearly all local governments face. (See attachment)

Janelle Fallan, representing the Montana Chamber of Commerce, spoke in favor of the bill. (See attachment.)

Hugh Spall, representing the City of Great Falls felt the funding made available in SB 135 could greatly help communities with their much needed street repair and building. The city of Great Falls supports SB 135.

## ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

| NAME                         | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| GEORGE MCCALLUM, CHAIRMAN    | ✓       |        |         |
| LLOYD LOCKREN, VICE CHAIRMAN | ✓       |        |         |
| MAX CONOVER                  | ✓       |        |         |
| JESSE A. O'HARA              | ✓       |        |         |
| BOB PETERSON                 |         |        | ✓       |
| A. T. (TOM) RASMUSSEN        | ✓       |        |         |
| PETE STORY                   | ✓       |        |         |
| BILL THOMAS                  | ✓       |        |         |
| ROBERT D. WATT               | ✓       |        |         |
|                              |         |        |         |
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|                              |         |        |         |

Each Day Attach to Minutes.

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

Please note bill no.

| NAME            | REPRESENTING        | BILL # | (check one)<br>SUPPORT              | OP |
|-----------------|---------------------|--------|-------------------------------------|----|
| C. F. Doolen    | 9th Judicial Dist   | SB 106 | <input checked="" type="checkbox"/> |    |
| W. E. Humphreys | 15th " "            | "      | <input checked="" type="checkbox"/> |    |
| Henry J. Lusk   | 3rd " "             | SB 106 | <input checked="" type="checkbox"/> |    |
| John R. Foster  | 10th Judicial Dist  | SB 106 | <input checked="" type="checkbox"/> |    |
| William H. Lusk | 11th Judicial Dist  | SB 106 | <input checked="" type="checkbox"/> |    |
| Donald Baker    | Billings Chamber    | SB 135 | <input checked="" type="checkbox"/> |    |
| Frank J. Lusk   | City of Lincoln     | SB 135 | <input checked="" type="checkbox"/> |    |
| Wm. Lloyd       | State Circuit Court | SB 135 | <input checked="" type="checkbox"/> |    |
| Larry M. Lusk   | Butte Budget Assn   | SB 135 | <input checked="" type="checkbox"/> |    |
| Donald Lusk     | City of Lincoln     | SB 135 | <input checked="" type="checkbox"/> |    |
| John Lusk       | OBPP                | SB 135 | <input checked="" type="checkbox"/> |    |
| John Lusk       | Billings Chamber    | SB 135 | <input checked="" type="checkbox"/> |    |
| John Lusk       | Billings            | SB 135 | <input checked="" type="checkbox"/> |    |
| Larry M. Lusk   | B. A. A.            | "      | <input checked="" type="checkbox"/> |    |
| John Lusk       | Youth Court         | SB 106 | <input checked="" type="checkbox"/> |    |
| Hugh Lusk       | City of H. Falls    | SB 135 | <input checked="" type="checkbox"/> |    |

NAME: Jeremiah F. Johnson DATE: 1/23/79

ADDRESS: 840 WOODFORD INCL

PHONE: 542-2131 OR 549-2196

REPRESENTING WHOM: MT. YOUTH COURT PROBATION

APPEARING ON WHICH PROPOSAL: S.B. 106

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: WE HAVE NOT RECEIVED A PAY  
INCREASE FOR FOUR YEARS AND STRONGLY  
RECOMMEND TO THE COMMITTEE THAT A RISE  
BE CONSIDERED TAKING INTO ACCOUNT THE INCREASE  
IN THE COST OF LIVING FOR THE LAST 4 YRS  
PLUS THE NEXT 2 YEARS

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

R. GLEN HUFSTETLER

DATE:

1-23-79

ADDRESS:

Box 1023 Kalspell, Mont. 59901

PHONE:

755-1771 or 755-5300-245

REPRESENTING WHOM?

Youth Council - Probation Officers

APPEARING ON WHICH PROPOSAL:

S.B. 106

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

We have up dated our Qualifications  
and have had to pay increase since  
1974 - No cost of living increase either.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Rev. Zinner DATE: 1-23-79

SUBJECT: Helen

PHONE: 442-5209

REPRESENTING WHOM? W. A. A. of Council

APPEARING ON WHICH PROPOSAL: SB 106 SB 135

DO YOU: SUPPORT? AMEND? SB 106 OPPOSE? SB 135

COMMENTS: Amend to 50% to 70%

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Senator McCallum asked how much this would cost the rural counties. Senator Lockrem stated that it would probably not cost rural counties , but perhaps the state of Montana.

Senator Story stated that he did not like the idea of rural people being inspected. Senator Watt stated that it was his understanding that rural people were exempt.

Senator Story then stated that he felt that only buildings built by public money should be included in the bill.

Senator Lockrem stated that he felt that this here bill would remove one more layer of bureaucracy.

Senator Watt asked if the administration was abolishing part of their work.

A sub-committee was appointed by Chairman McCallum to further study this bill. Those to serve on the committee are Senators Lockrem, Story, and Thomas.

Senator Lockrem withdrew his motion.

CONSIDERATION OF SENATE BILL 106: This bill is in regards to salary increases for probation officers.

Senator O'Hara asked if there is another bill regarding this matter. He was told that Mr. Dean Zinnecker had stated that there is a bill in the House regarding the same.

Senator Rasmussen said that he is concerned about setting statewide salaries and suggested that Dennis Taylor, Researcher, research to see who has the power to set the salaries.

A motion was made by Senator Rasmussen to hold SB 106 until Dennis Taylor can research this further. Senator Rasmussen was advised that this motion was not necessary. The motion was withdrawn.

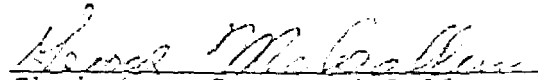
CONSIDERATION OF SENATE BILL 135: This bill regards providing improved funding for construction and reconstruction of roads and streets.

DISPOSITION OF SENATE BILL 106: A motion was made by Senator Lockrem that Senate Bill 106 receive a "DO PASS" recommendation from the Committee.

Senator McCallum asked Dennis Taylor, staff researcher, to check into this bill, perhaps a minimum salary could be set and also apply the workload in arriving at the salary.

CODE COMMISSIONER BILLS: The secretary was instructed to post the 16 Code Commissioner Bill for hearing on Wednesday February 8, 1979 at 7 p.m. in Room 405.

ADJOURN: With no further business the meeting was adjourned at 2 p.m. The next meeting will be held on Tuesday, February 6, for the consideration Senate Bills 257 and 267.

  
Chairman, George McCallum

HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE  
March 5, 1979

The regular meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building on Monday. All members were present except Representatives Pavlovich, Uhde, and Seifert. Representatives Seifert and Pavlovich came in later.

Bills scheduled for hearing were Senate Bills 106, 202, 367, 232, 260, 281, 341, 345, 397.

SENATE BILL NO. 397: Senator McCallum. This bill would require district court programs funded by the county to be subject to the county budget laws.

FRANK GUAY: County Commissioner, Kalispell. Since I have been in office over the last 4 years, we have had a problem in budgeting. This has been aggravated by the district courts that they are not subject to the budget law. With a 25 mile limit in our general fund we have to be cognizant of things that can get out of hand. We want to be able to justify the budget.

BEVERLY GIBSON: Montana Association of Counties. We support this bill. We feel it is a step in the right direction.

REPRESENTATIVE SCULLY: There is an old bill very similar to this. #229, get with the sponsor and decide what you are going to do.

The hearing closed on Senate Bill No. 397.

SENATE BILL NO. 106: Senator Bob Brown. There is a similar bill in the House, Representative Keedy has it. The bill will provide salary increases for probation officers and a minimum salary for deputy probation officers. The amount would be adjusted depending on the formal training and experience of each respective officer.

JERRY JOHNSON: We already appeared on 673 and whether the committee approves that bill or not we felt we should appear on this bill and support it.

BEVERLY GIBSON: Montana Association of Counties. We are not necessarily against this bill but we would like to see a salary increase.

Mr. Johnson commented that what the bill refers to is the reimbursement rate for contract employees, on page 2, subsection (2).

REPRESENTATIVE KEEDY: Asked about the 15-18-501 and 503 in the code, and Mr. Weinberg said it should be 2-18-503.

REPRESENTATIVE SCULLY: We will hold this bill until we see what happens to the other one.

The hearing closed on Senate Bill No. 106.

SENATE BILL NO. 281: Senator Hager. This bill was put in by request. It will clarify the requirement that the offense of fleeing a police officer must include the actions for the conviction of reckless driving. The department said they had had some close calls on this.

REPRESENTATIVE KEYSER: In 1977 when we passed this bill they testified that there was a definite need for it.

SENATOR HAGER: This was put in at the request of the Highway Patrol.

REPRESENTATIVE KEMMIS: What is accomplished by sub-part (b). It says the same thing except that it covers fleeing from a policeman. Why not must remove sub-part (b)?

CAPTAIN TOOLEY: Unfortunately in codifying, the penalty section became detached from this bill. That was the intent, to make it something stronger. It is still in the code.

MR. SCULLY: Are you saying that there is a penalty for (a) and a penalty for (b). Discussion about this.

REPRESENTATIVE IVERSON: It appears that it wasn't necessary to be driving a car. Does it say somewhere here that you can be covered other than by driving a car.

Some discussion followed and the hearing closed on Senate Bill No. 281.

SENATE BILL NO. 345: Senator Towe. This bill will revise the law regarding the procedure following an acquittal on the grounds of mental disease or defect. It will re-introduce the question of mental disease for sentencing problems. On page 2, the provision for a hearing within 50 days is changed to 1 year. That hearing for all practical purposes has been ignored. Just recently somebody requested that and it created quite a bit of difficulty. The purpose of the bill is to move that 50 day hearing back to the original place of the hearing. This would make it comply with the other areas of the code. There is a change in that we are saying there should be an annual hearing. If the other bills, 495 & 877 pass then they would eliminate this bill entirely. This would be completely inconsistent. There is a problem that this bill would

small sheet. On page 7, line 6, insert the word "seized". On page 7, subsection (2) strike "criteria of" and insert "criteria in".

Representative Holmes moved to amend the new section 11 on page 1, by striking "grossly". The amendment failed with only Representative Holmes voting "yes".

The question was called on the amendments of Representative Keedy. The motion to adopt the amendments carried with Representative Pavlovich voting "no".

Representative Keedy moved "be concurred in as amended". The motion carried with a roll call vote of 9 yes, 8 no and 2 absent. Mr. Keedy will carry.

SENATE BILL NO. 106: Representative Lory moved to amend on page 2, line 8 by striking "15-18-501 through 15-18-503" and inserting "2-18-501 through 2-18-503". The motion carried with the vote unanimous. Representative Keedy moved to amend page 1, line 14, by striking "\$19,500 and inserting \$22,500". The motion carried by unanimous vote after lengthy discussion.

Representative Holmes moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Holmes will carry.

SENATE BILL NO. 88: Representative Kemmis moved to amend page 3, line 7, by striking "has" and inserting "have". Representative Keedy moved to amend page 4, line 5, by striking "in the future", and on page 4, line 19, by striking "hereof". The motion to amend carried in both cases by unanimous vote.

Representative Roth moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Roth will carry.

SENATE BILL NO. 54: Representative Kemmis moved "be concurred in". The motion carried with the vote unanimous. Representative Kemmis will carry.

SENATE BILL NO. 243: Representative Kemmis moved "be concurred in". The motion carried with the vote unanimous. This is a companion bill to 54. Representative Kemmis will carry.

SENATE BILL NO. 283: Representative Keedy moved to amend, page 7 by striking section 1 and reinserting

SENATE BILL NO. 106  
INTRODUCED BY B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SALARY INCREASES FOR PROBATION OFFICERS AND A MINIMUM SALARY FOR DEPUTY PROBATION OFFICERS; AMENDING SECTIONS 41-5-704 AND 41-5-705, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-704, MCA, is amended to read:

"41-5-704. Salary and expenses. (1) A chief probation officer shall receive for his services a sum specified by the court; however, the judge may employ him on a yearly salary, NOT TO BE LESS THAN \$15,000 OR MORE THAN \$19,500 ~~\$22,500~~ \$20,000 DEPENDING ON THE FORMAL TRAINING AND EXPERIENCE OF EACH RESPECTIVE OFFICER. ~~not to be less than \$12,500 or more than \$16,000 depending on the formal training and experience of each respective officer of \$22,500. The judge shall also determine future increases in salary based on the Consumer Price Index published by the United States Department of Labor each year and the formal training and experience of each officer.~~ The salary of such officer shall be apportioned among and paid by each of the counties in which such officer is appointed to act, in proportion to the assessed valuation of such counties for

the same year, except where such officer is appointed for one county whereby such county shall pay the entire salary.

(2) For all necessary AUTHORIZED travel incident to his official duties in connection with the investigation, supervision, and transportation of youth, the probation officer shall, in addition to his office salary, be reimbursed for ~~actual expenses incurred~~ AS PROVIDED IN 15-18-501 THROUGH 15-18-503 2-18-501 THROUGH 2-18-503."

Section 2. Section 41-5-705, MCA, is amended to read:

"41-5-705. Deputy probation officers -- salary. The judge having jurisdiction of juvenile matters may also appoint such additional persons, giving preference to persons having the qualifications suggested for appointment as the chief probation officer, to serve as deputy probation officers as the judge deems necessary, their salaries to be fixed by the judge. Such salaries shall not exceed 90% or be less than 60% of the salary of the chief probation officer."

-End-

## FISCAL NOTE

Form BD-15

compliance with a written request received Jan 17, 19 79, there is hereby submitted a Fiscal Note  
SB 106 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 106 is an act providing salary increases for probation officers and a minimum salary for deputy probation officers.

## ASSUMPTIONS:

1. Of Montana's 19 judicial districts, 17 presently employ a chief probation officer at the maximum yearly salary allowed under section 41-5-704, MCA.
2. A total of 38 full-time deputy probation officers are presently employed within the 19 judicial districts, receiving on the average 75% of the maximum yearly salary allowed chief probation officers under section 41-5-704, MCA.
3. The Consumer Price Index for 1980 will be 106.5, and this index will be used to set probation officers' salaries for the second year of the biennium (Source: Chase Econometric Associates, Inc., Macroeconomic Forecasts, December 21, 1978.)

## FISCAL IMPACT:

|                                           | FY 79-80          | FY 80-81          |
|-------------------------------------------|-------------------|-------------------|
| Total expenditures under proposed law     | \$ 1,023,750      | \$ 1,090,293      |
| Expenditures under current law            | <u>728,000</u>    | <u>728,000</u>    |
| Increased expenditures under proposed law | \$ <u>295,750</u> | \$ <u>362,293</u> |

## LOCAL IMPACT:

The increased expenditures would have to be budgeted within the various county general funds during each year of the biennium.

Richard D. Strong for  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/21/79